

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VICTAULIC COMPANY,

Plaintiff,

v.

SPRINKFLEX, LLC, FLEXHEAD
INDUSTRIES, INC., THE RELIABLE
AUTOMATIC SPRINKLER CO., INC., HD
SUPPLY, INC., YONG WON E.N.C., LTD.,
and YONG WON USA, INC.,

Defendants.

Civil Action No. 2:10-cv-05009-FSH-PS

Corrected

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO SEAL**

Having considered FlexHead and SprinkFlex's Motion to Seal Portions of Their Reply Brief and Portions of the Second Declaration of Norman J. MacDonald, III in Support of Their Motion to Transfer Venue to the District of Massachusetts, the Court makes the following findings of facts and conclusions of law.

Proposed Findings of Fact

1. *limited that the Court is permitting the motion to seal at this time*
The materials at issue are highly sensitive business information.
2. The parties have a private interest in protecting their highly sensitive business information from disclosure.
3. There are no public interests that would preclude the relief sought herein.
4. The possible harm the Defendants would experience if this highly sensitive business information were disclosed to its competitors is significant.
5. A less restrictive alternative to the relief sought is not available.

Proposed Conclusions of Law

1. A Court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including by

** This order corrects omissions that were part of the order filed July 6, 2011 addressing the limited information contained in the Chart filed in support of the motion to seal that the Court permitted to be sealed*

requiring that a trade secret or ~~other confidential research, development, or~~
commercial information not be revealed or be revealed only in a specified way.

Fed. R. Civ. P. 26(c)(1)(G).

2. FlexHead and SprinkFlex have demonstrated that good cause exists to grant their motion to seal. FlexHead and SprinkFlex have also shown that they have complied with the requirements of L. Civ. R. 5.3(c)(2).

In light of the above findings of fact and conclusions of law, and there being no *and for the reasons set forth in the opinion*
opposition to the Defendants' motion, this Court GRANTS the Motion in part *delivered on*
and denied in part *Docket No 69-10-1* *the record on*
IT IS HEREBY ORDERED this 7th day of July, 2011 that the following portions of
July 1, 2011

Defendants' Reply Brief in Support of Their Motion to Transfer shall be sealed:

- a) Brief at page 5, first paragraph, line 1, beginning with the *first word the name* word "Yong" through
sells *1* *and that same name may be sealed on lines 3*
the word "contacts" in line *4* of the *second* paragraph. *and 5*
first
- b) ~~Brief at page 5, third paragraph, line 4, beginning with the word "There" through~~
Brief at page 5, third paragraph, the sixth line, between the word by
the word "Massachusetts" in line 5 of the third paragraph *and "to"*

IT IS FURTHER ORDERED that the following portions of the Second Declaration of

Norman J. MacDonald, III filed in support of Defendants' Motion to Transfer shall be sealed:

- a) ~~The entirety of paragraph 5, beginning with the word "SprinkFlex" through the~~
the plaintiff may seal on the
name of supplier in the first and last lines of
word "Ltd." *the paragraph*

IT IS FURTHER ORDERED that the following portions of the Chart filed in support of

FlexHead and SprinkFlex's motion to seal shall be sealed:

- a) *the name of the supplier only*
Chart at page 1, column (a), line 5, beginning with the word "SprinkFlex's"
through the word "Massachusetts" at page 3, column (a), line 9.

- b) Chart at page 3, column (a), line 13, ^{the name of the} ~~beginning with the word "SprinkFlex"~~
~~through the word "agreement"~~ ^{supplier only} at page 3, column (a), line 17.
- c) Chart at page 4, column (a), line 4, ^{the name of} ~~beginning with the word "SprinkFlex's"~~
^{the supplier only} ~~through the word "information"~~ at page 4, column (a), line 8.
- d) Chart at page 1, column (b), line 2, ^{the name of the} ~~beginning with the word "and"~~ through the
^{supplier only} ~~word "won."~~
- e) Chart at page 1, column (b), line 7, ^{the name of the supplier} ~~beginning with the word "For"~~ through the
^{only} ~~word "products"~~ at page 2, column (b), line 9.

IT IS FURTHER ORDERED that the following portions of the Declaration of Norman J.

MacDonald, III ^{June 27, 2011} filed in support of FlexHead and SprinkFlex's motion to seal shall be sealed:

- a) ~~The entirety of~~ ^{the name of the supplier only} paragraph 4, ~~beginning with the word "SprinkFlex"~~ through the
~~word "End."~~
- b) ~~The entirety of~~ ^{the name of the supplier only} paragraph 5, ~~beginning with the word "The"~~ through the word
~~"Massachusetts."~~
- c) ~~The entirety of~~ ^{the name of the supplier only} paragraph 6, ~~beginning with the word "SprinkFlex"~~ through the
~~word "products."~~

^{It is further ordered that the request to seal any other}
~~information is denied, and~~ ^{nothing herein constitutes a}

IT IS FURTHER ORDERED that the ~~confidential information in these pleadings shall be~~
~~ruling that the information the parties may~~
~~treated as Outside Attorneys Eyes Only information pursuant to the Discovery Confidentiality~~

~~Seal pursuant to this order will be sealed if~~
~~Order (Dkt. 62) entered in this case.~~

~~offered at trial or in connection with another~~
~~application~~

^{Patty Shwartz}
UNITED STATES ~~DISTRICT~~ JUDGE
^{Magistrate}